

DRAFT

THE CORPORATION OF THE TOWNSHIP OF TINY

BY-LAW NUMBER _____

A By-law to regulate Dynamic Beach Management Construction of Buildings and Structures and Site Alteration on lands adjacent to Georgian Bay in the Township of Tiny

("The Shoreline By-law")

Whereas Part II and Part III General and Specific Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to pass a bylaw to provide the services and other things that the municipality considers necessary or desirable for the municipality; managing and preserving the public assets of the municipality; the health, safety and well-being of persons, the protection of persons and property, including consumer protection, culture, parks, recreation and heritage, drainage and flood control, *structures*, fostering the current and future economic, social and environmental well-being of the municipality including respecting climate change; and delivering and participating in provincial programs and initiatives;

And Whereas Part II General Municipal Powers Section 8(1) General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that the powers of a municipality under the Municipal Act or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues. 2006, c. 32, Sched. A, s. 8;

And Whereas Section 9 General Municipal Powers of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act. 2006, c 32, Sched. A, s. 8;

And Whereas Section 11(1-4), Spheres of Jurisdiction, of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality may;

11 (1) provide any service or thing that the municipality considers necessary or desirable for the public, subject to the rules set out in subsection (4). 2006, c. 32, Sched. A, s. 8;

11(2) pass by-laws, subject to the rules set out in subsection (4), respecting the following matters:

1. Governance *structure* of the municipality and its local boards.
2. Accountability and transparency of the municipality and its operations and of its local boards and their operations.
3. Financial management of the municipality and its local boards.
4. Public assets of the municipality acquired for the purpose of exercising its authority under this Municipal Act or any other Act.
5. Economic, social and environmental well-being of the municipality, including respecting climate change.
6. ~~6.~~ Health, safety and well-being of persons.
7. ~~7.~~ Services and things that the municipality is authorized to provide under subsection (1).

8. ~~8.~~ Protection of persons and property, including consumer protection. 2006, c. 32, Sched. A, s. 8; 2017, c. 10, Sched. 1, s. 2;

11(3) pass by-laws, subject to the rules set out in subsection (4), respecting matters within the following spheres of jurisdiction:

5. Culture, parks, recreation and heritage.
6. Drainage and flood control, except storm sewers.
7. *Structures*, including fences and signs;

And Whereas Part III Specific Municipal Powers and Nuisance, Section 142 Natural Environment, Site alteration of the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to enact a bylaw to:

- 142 (2) Without limiting sections 9, 10 and 11, a local municipality may,
- a. prohibit or regulate the placing or dumping of fill;
 - b. prohibit or regulate the removal of *topsoil*;
 - c. prohibit or regulate the alteration of the *grade* of the land;
 - d. require that a *permit* be obtained for the placing or dumping of fill, the removal of *topsoil* or the alteration of the *grade* of the land; and
 - e. impose conditions to a *permit*, including requiring the preparation of plans acceptable to the municipality relating to grading, filling or dumping, the removal of *topsoil* and the rehabilitation of the site. 2006, c. 32, Sched. A, s. 76 (1);

And Whereas, the Municipal Act 2001, S.O. 2001, c.25, as amended, authorizes a Municipality to establish fees and charges, undertake enforcement and impose orders and undertake remedial actions;

And Whereas the Council for the *Township of Tiny*, consistent with provincial law and policy, deems it desirable and in the public interest to enact a '~~Dynamic Beach Management Shoreline~~ By-law' for the health, safety and environmental well-being of the Municipality and for protecting areas adjacent to the shorelines of Georgian Bay;

NOW THEREFORE the Council of the Corporation of the *Township of Tiny* enacts as follows:

- 1. Title
- 2. Interpretation
- 3. General Provisions
 - 1. Land Subject to By-law
 - 2. Site Specific Dynamic Beach Hazard Limits Delineate
- 4. Prohibitions
- 5. Permitted Exceptions for Consideration
- 6. Specific Exemptions (Statutory Limitations)
- 7. Application Requirements for a Permit
- 8. Permit Conditions;
- 9. Permit Revocation, Expiry, Renewal, and Transfer of Permit
- 10. Agreement
- 11. Appeal
- 12. Orders
- 13. Remedial Action
- 14. Entry and Inspection
- 15. Obstruction
- 16. Penalty
- 17. Conflict and Application of Other Laws
- 18. Severability
- 19. Effective Date

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1. **TITLE**

1.1 This By-law may be cited as the "~~Dynamic Beach Management Shoreline Development~~ By-law". In the text of the by-law, it is referred to as "this By-law".

2. **INTERPRETATION DEFINITIONS**

2.1. **"Adverse effects"** as defined in the *Environmental Protection Act*, means one or more of:
(a) impairment of the quality of the natural environment for any use that can be made of it;
(b) injury or damage to property or plant or animal life;
(c) harm or material discomfort to any *person*;
(d) an adverse effect on the health of any *person*;
(e) impairment of the safety of any *person*;
(f) rendering any property or plant or animal life unfit for human use;
(g) loss of enjoyment of normal use of property; and
(h) interference with normal conduct of business. *PPS (Proposed April 12, 2024)*

2.2. **"Applicant"** means the *person*, ~~owner~~ or their agent (as authorized in writing) who submits an application to the *Township of Tiny* for a *permit* pursuant to the provisions of this By-law.

~~2.3. "Applicable law" means any Provincial or Federal statute or regulation and/or any Official Plan, By-law of the County of Simcoe or of the Township that touches on the matters of drainage, Hazardous Lands, for the Dynamic Beach Hazards along the Georgian Bay Shoreline (i.e.: a Total = MNRF 100-year Water Level (178 m GSC'28, currently being updated), PLUS 45m for the Dynamic Beach Hazard, as provided in the provincial technical guidelines (i.e. 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)) or protection of the environment as provided in the Natural Heritage Section 4.1 of the PPS (Proposed April 12, 2024). Additionally it includes but is not limited to the Ontario Building Code Act, the Planning Act, the Environmental Assessment Act, the Ontario Heritage Act, the Clean Water Act, the Electricity Act, the Aggregate Resources Act, the Drainage Act, the Tile Drainage Act, the Environmental Protection Act, the Public Transportation and Highway Improvement Act, and the Municipal Act, each as amended from time to time, and to any regulation, official plan or other plan or similar document enacted or established under such legislation.~~

~~2.4.2.3.~~ **"Areas of natural and scientific interest (ANSI)"** means areas of land and water containing natural landscapes or features that have been identified as having life science or earth science values related to protection, scientific study or education. *PPS (Proposed April 12, 2024)*

~~2.5. "Coastal wetland" means,~~

~~2.6. any wetland that is located on one of the Great Lakes or their connecting channels (Lake St. Clair, St. Marys, St. Clair, Detroit, Niagara and St. Lawrence Rivers); or~~

~~2.7. any other wetland that is on a tributary to any of the above-specified water bodies and lies, either wholly or in part, downstream of a line located 2 kilometres upstream of the 1:100-year~~

~~floodline (plus wave run-up) of the large water body to which the tributary is connected.
(Proposed April 12, 2024/same as 2020)~~

~~2.8.2.4. "Complete application" means an application as described in Section 56 of this By-law and/or as approved by the Township of Tiny or their designate.~~

~~2.9.2.5. "Council" means the elected Council of the Corporation of the Township of Tiny.~~

~~2.10.2.6. "County" means the County of Simcoe.~~

~~2.11.2.7. "Cultural heritage landscape" means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Indigenous community. The area may include features such as buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. PPS (Proposed April 12, 2024)~~

~~2.12. "Development" means,~~

~~2.13. (a) the construction, reconstruction, erection or placing of a building or structure of any kind, whether installed on, above or below the surface of land or water,~~

~~2.14. (b) including any change to a building or structure that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure,~~

~~2.15. (c) site grading, or~~

~~2.16. (d) the temporary or permanent placing, dumping or removal of any material, originating on the site or elsewhere ("activité d'aménagement").~~

~~2.17.~~

~~2.18.2.8. "Dynamic Beach Hazard" means areas of inherently unstable accumulations of shoreline sediments along the Great Lakes - St. Lawrence River System and large inland lakes, as identified by provincial standards, as amended from time to time. The dynamic beach hazard limit consists of; PPS (2024). For the Georgian Bay Shoreline the 'Dynamic Beach Hazard' consists of the following:~~

- ~~• the flooding hazard limit~~
- ~~• plus a dynamic beach allowance. PPS (Proposed April 12, 2024/same as 2020)~~
- ~~• [For the Georgian Bay Shoreline the 'Dynamic Beach Hazard' The Ministry of Natural Resources and the "Standard Dynamic Beach Hazard" which consists of the following;~~
- ~~• The MNR Forestry 100 year Water Level Flood elevation (i.e. 178 m GSC'28, currently being updated),~~
- ~~• + PLUS~~
- ~~• The metre GSC elevation) plus the Wave Effects/Wave Uprush and Overtopping Flood Component of 15m + PLUS The 15 metres plus the Dynamic Beach Allowance of 30m.30 metres.~~

~~2.19. = the total Dynamic Beach Hazard distance of the MNR 100 year Level + plus 45m, as provided in accordance with the provincial technical Guidelines (i.e. 'the 'MNR in the Great Lakes-St. Lawrence River System Technical Guides for Flooding,~~

~~Erosion and Dynamic Beaches' (2001)).~~

- ~~2.20. The 'Standard Dynamic Beach Hazard' area limits may be refined and delineated by a Site Specific Dynamic Beach Hazard Study. The requirements for the study in order to apply for a permit have been outlined in Section 7). The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the provincial technical Guidelines (i.e. 'MNR in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)).~~
- ~~2.21.~~
- ~~2.22. If proposing to reduce or increase the 'Standard Dynamic Beach Hazard' area then a Coastal Engineering and/or Coastal Geomorphology Site Specific Study of the Dynamic Beach Processes at the site is required to be carried out by a qualified professional Coastal Engineer or qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment of Dynamic Beach processes. The Site Specific Dynamic Beach Hazard Study consists of determining the Dynamic Beach Hazard Limit setback by carrying out the following Site Specific Study;~~
- ~~2.23. The MNR 100 year Water Level elevation indicated on the survey (i.e. 178 m GSC'28, currently being updated), + PLUS~~
- ~~2.24. The Wave effects/Wave Uprush and Overtopping Flood Component (Standard setback of 15m) or as determined by a Site Specific Dynamic Beach Study for the Wave effects/Wave Uprush and Overtopping allowance. + PLUS~~
- ~~2.25. The Dynamic Beach Allowance (Standard setback of 30m) or the allowance for the Dynamic Beach Allowance as determined by the Site Specific Dynamic Beach Study~~
- ~~2.26. = the total Dynamic Beach Hazard Limit setback.]~~
- ~~2.27.~~
- ~~2.28. "Dynamic Beach Management Agreement" means the agreement in form and content set out in Section 3.1 to this By-law.~~
- ~~2.29.~~
- ~~2.30-2.9. "Designate" means a person who is an employee of the Township of Tiny and who has been appointed by the Director to administer all or part of this By-law on behalf of the Director.~~
- ~~2.31-2.10. "Director" means the Director of Engineering and/or Director of Planning and Development for the Township of Tiny, or the Designate, who is responsible for the administration and interpretation of this By-law.~~
- ~~2.32-2.11. "Drainage" means the movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method.~~
- ~~2.33-2.12. "Dump" or "dumping" means the depositing of material in a location other than where the material was obtained and includes the movement and depositing of material from one location on a property to another location on the same property; but shall not include the relocation of sand as general shoreline maintenance, as defined in this By-law.~~
- ~~2.34-2.13. "Ecological function" means the natural processes, products or services that living and non-living environments provide or perform within or between species, ecosystems and landscapes. These may include biological, physical and socio-economic interactions.
PPS(Proposed April 12, 2024/same as 2020)~~

~~2.35-2.14.~~ **“Engineer”** means a Professional Engineer currently licensed to practice in the Province of Ontario. For the purposes of providing opinion and conclusions with respect to flooding/ erosion/dynamic beach hazards, must be qualified and have a specialty in coastal engineering.

~~2.36-2.15.~~ **“Erosion”** means the detachment and movement of material, *soil*, sediment or rock fragments by water, wind, ice, or gravity.

~~2.37-2.16.~~ **“Erosion Hazard”** means the loss of land, due to human or natural processes, that poses a threat to life and property. The erosion hazard limit is determined using considerations that include the;

- 100 year erosion rate (the average annual rate of recession extended over a one hundred year time span),
- ~~[PLUS]~~ an allowance for slope stability, and
- ~~[PLUS]~~ an erosion/erosion access allowance. *PPS (Proposed April 12, 2024/same as 2020)*

~~2.38-2.17.~~ **“Fill”** means any type of material deposited or placed on land and includes, but is not limited to, stone, rock, gravel, concrete, sod, turf, recycled asphalt (RAP) and *soil*.

~~2.39-2.18.~~ **“Fish”** means fish, which as defined in the *Fisheries Act*, includes fish, shellfish, crustaceans, and marine animals, at all stages of their life cycles. ~~(Proposed April 12, 2024/same as 2020 PPS (2024)).~~

~~2.40-2.19.~~ **“Fish habitat”** as defined in the *Fisheries Act*, means water frequented by fish and any other areas on which fish depend directly or indirectly to carry out their life processes, including spawning grounds and nursery, rearing, food supply, and migration areas. *PPS (Proposed April 2024)*

~~2.41-2.20.~~ **“Flooding Hazard”** means the inundation, under the conditions specified below, of areas adjacent to a shoreline or a river or stream system and not ordinarily covered by water; Along the shorelines of the Great Lakes - St. Lawrence River System (including Georgian Bay) and large inland lakes, the flooding hazard limit is based on the one hundred year flood level (178 metre G.S.C. elevation plus a 15 metre allowance for wave effects and other water-related hazards. PPS (2024)

1. ~~along the shorelines of the Great Lakes - St. Lawrence River System [Including Georgian Bay] and large inland lakes, the flooding hazard limit is based on the one hundred year flood level plus an allowance for wave effects and other water-related hazards. PPS (Proposed April 12, 2024)~~

~~2.21.~~ **“General Shoreline Maintenance”** means activities such as garden weeding, raking, and minor trimming of vegetation. Also includes the seasonal movement of sand, without the use of mechanized equipment, that has deposited due to natural causes and is impeding the use of or access to lands, buildings or structures.

~~2.42-2.22.~~ **“Grade”** at any point on the land means the elevation of the ground surface of the land; and

- “Existing Grade” means the *grade* as it existed prior to any shoreline site alteration;

- “Finished *Grade*” means the actual *grade* after the *shoreline site alteration*; and
- “Proposed *Grade*” means the *grade* proposed by an *applicant* for a ~~Dynamic Beach Management Shoreline By-law~~ *Permit*.

~~2.43-2.23.~~ **“Great Lakes - St. Lawrence River System”** means the major water system consisting of Lakes Superior, Huron, St. Clair, Erie and Ontario and their connecting channels, and the St. Lawrence River within the boundaries of the Province of Ontario. PPS (~~Proposed April 12, 2024/same as 2020~~)

~~2.44-2.24.~~ **“Ground water feature”** means water-related features in the earth’s subsurface, including recharge/discharge areas, water tables, aquifers and unsaturated zones that can be defined by surface and subsurface hydrogeologic investigations. PPS (~~Proposed April 12, 2024/same as 2020~~)

~~2.45-2.25.~~ **“Habitat of endangered species and threatened species”** means habitat within the meaning of Section 2 of the Endangered Species Act, 2007. PPS (~~Proposed April 12, 2024/same as 2020~~)

~~2.46-2.26.~~ **“Hazardous lands”** means property or lands that could be unsafe for development due to naturally occurring processes. Along the shorelines of the *Great Lakes - St. Lawrence River System* [Including Georgian Bay], this means the land, including that covered by water, between the international boundary, where applicable, and the furthest landward limit of the *flooding hazard, erosion hazard* or *dynamic beach hazard* limits. Along the shorelines of large inland lakes, this means the land, including that covered by water, between a defined offshore distance or depth and the furthest landward limit of the *flooding hazard, erosion hazard* or *dynamic beach hazard* limits. PPS (~~Proposed April 12, 2024/same as 2020~~)

~~2.47.—~~

~~2.48.—~~ **“Heritage attributes”** means ~~as defined under the Ontario Heritage Act, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest.~~ PPS (~~Proposed April 12, 2024~~)

~~2.49-2.27.~~ **“Hydrologic function”** means the functions of the hydrological cycle that include the occurrence, circulation, distribution and chemical and physical properties of water on the surface of the land, in the *soil* and underlying rocks, and in the atmosphere, and water’s interaction with the environment including its relation to living things. PPS (~~Proposed April 12, 2024/same as 2020~~)

~~2.50-2.28.~~ **“Infrastructure”** means, physical *structures* (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, active transportation systems, oil and gas pipelines and associated facilities. PPS (~~Proposed April 12, 2024~~)

~~2.51.—~~ **“Large Inland Lakes”** means, ~~those waterbodies having a surface area of equal to or greater than 100 square kilometres where there is not a measurable or predictable response to a single runoff event.~~ PPS (~~Proposed April 12, 2024/same as 2020~~)

- ~~2.52.~~ “Marina” means premises containing docking facilities where watercraft and watercraft accessories are berthed, stored, serviced, repaired, and kept for sale or rent and which may include facilities for the sale of marine fuels and lubricants as well as facilities for watercraft wastewater pumping. ZBL #22-075, (Nov. 2023).
- ~~2.53.~~ “Marine facilities” means ferries, harbours, ports, ferry terminals, canals and associated uses, including designated lands for future marine facilities. PPS (Proposed April 12, 2024/same as 2020)
- ~~2.54.~~2.29. “**Natural Heritage Features and Areas**” means features and areas, including significant *wetlands*, significant coastal *wetlands*, other coastal *wetlands* in Ecoregions 5E, 6E and 7E, *fish* habitat, significant *woodlands* and significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River), *habitat of endangered species and threatened species*, significant *wildlife habitat*, and significant *areas of natural and scientific interest*, which are important for their environmental and social values as a legacy of the natural landscapes of an area. PPS (Proposed April 12, 2024)
- ~~2.55.~~2.30. “**Natural heritage system**” means, a system made up of *natural heritage features and areas*, and linkages intended to provide connectivity (at the regional or site level) and support natural processes which are necessary to maintain biological and geological diversity, natural functions, viable populations of indigenous species, and ecosystems. These systems can include *natural heritage features and areas*, federal and provincial parks and conservation reserves, other natural heritage features, lands that have been restored or have the potential to be restored to a natural state, areas that support *hydrologic functions*, and working landscapes that enable *ecological functions* to continue. The Province has a recommended approach for identifying *natural heritage systems*, but municipal approaches that achieve or exceed the same objective may also be used. PPS (Proposed April 12, 2024/same as 2020)
- ~~2.56.~~2.31. “**Officer**” means a Municipal Law Enforcement *Officer* for The *Township of Tiny*.
- ~~2.57.~~ “**One hundred year flood level**” means ;
- ~~2.58.~~2.32. a) — for the shorelines of the Great Lakes [~~including(including~~ Georgian Bay~~]~~], the peak instantaneous still water level, resulting from combinations of mean monthly lake levels and wind setups, which has a 1% chance of being equaled or exceeded in any given year; PPS (Proposed April 12, 2024/same as 2020)]
- ~~2.59.~~2.33. “**Other water-related hazards**” means water-associated phenomena other than *flooding hazards* and *wave effects* which act on shorelines. This includes, but is not limited to ship-generated waves, ice piling and ice jamming. PPS (Proposed April 12, 2024)
- ~~2.60.~~ “**Owner**” means the registered owner of the Site.
- ~~2.61.~~2.34. “**Permit**” means a ~~fill~~ permit issued under the authority of this By-law.
- ~~2.62.~~2.35. “**Permit Holder**” means the ~~owner as defined in this By-law or the person in possession of the property and includes a lessee, a mortgagee in possession or a person in charge of the property,~~ to whom a ~~valid Dynamic Beach Management Shoreline By-law Permit~~ has been issued.
- ~~2.63.~~2.36. “**Person**” means any individual human being, association, firm, partnership, corporation, trust, incorporated company, sole proprietorship, ; organization, trustee or agent,

the heirs, executors, or other legal representatives of a *person* to whom the same can apply according to Federal and/or Provincial law, and includes an *applicant* for a *permit* under this By-law as the context requires.

~~2.64-2.37.~~ **“Provincial Policy Planning Statement (PPS)”** or **“Policy Statement”** means the document that was issued under the Section 3 of The *Planning Act*. ~~The PPS provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario’s policy-led planning system, the Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians. PPS (Proposed April 12, 2024)~~

~~2.65-2.38.~~ **“Ponding”** means the accumulation of surface water.

~~2.66.~~ “Public Nuisance” means an activity or activities, intentional or negligent in origin, which have a detrimental impact on the use and enjoyment of properties in the vicinity of the premises.

~~2.67.~~ “Remove or removal” means excavation or extraction of any fill which lowers the existing grade, which includes soil stripping.

~~2.68.~~ “Renew” or “renewal” as it relates to a Permit under this By-law means the extension of the Permit under the same terms and conditions as the original application for the Permit without modification, enlargement, extension or addition, subject to the authority of the Township or their designate to allow such minor modification, enlargement, extension or addition that, in their sole and absolute discretion, are appropriate and the Township (or its designate) determination shall be final.

~~2.69-2.39.~~ **“Shoreline Retaining wall”** means a wall designed to contain and support *fill* which has a finished *grade* higher than that of adjacent lands and which is located within the Shoreline Development Area.

~~2.70.~~ **“Significant Shoreline Construction”** means,

~~2.71.~~ a) in regard to wetlands, coastal wetlands and areas of natural and scientific interest, an area identified as provincially significant using evaluation criteria and procedures established by the Province, as amended from time to time;

~~2.72.~~ b) in regard to woodlands, an area which is ecologically important in terms of features such as species composition, age of trees and stand history; functionally important due to its contribution to the broader landscape because of its location, size construction, reconstruction or due to the amount of forest cover in the planning area; placing of a building or economically important due to site quality, species composition, structure of any kind, whether installed on, above or past management history. These are to be identified using criteria and procedures established by the Province;

~~2.73-2.40.~~ c) in regard to other features and areas in policy 4.1, ecologically important in terms of features, functions, representation below the surface of land or amount, and contributing to the quality and diversity of an identifiable geographic area or natural heritage system; and water.

~~2.74.~~ d) in regard to mineral potential, an area identified as provincially significant through provincial guidance, such as the Provincially Significant Mineral Potential Index.

~~2.75.~~ Criteria for determining significance for the resources identified in section c)–d) are provided in provincial guidance, but municipal approaches that achieve or exceed the same objective may also be used.

- ~~2.76. While some significant resources may already be identified and inventoried by official sources, the significance of others can only be determined after evaluation. PPS (Proposed April 12, 2024)~~
- ~~2.41. ““Shoreline Development” means any Shoreline Construction and/or Shoreline Site Alteration” means ‘structures’ and that occurs within the Shoreline Development Area.~~
- ~~2.42. “Shoreline Development Area” means all lands within 45 metres of the 178 metre G.S.C elevation of Georgian Bay.~~
- ~~2.77-2.43. “Shoreline Site Alteration” means activities, such as the temporary or permanent placement, dumping or removal, extraction or excavation of any material, or the alteration of the grade by any means including soil stripping, the removal of vegetation (i.e. including but not limited to beach/dune grasses, shrubs, trees), vegetative cover, materials, the compaction of soil/material or the creation of impervious surfaces, or any combination of these activities that would change the landform, the natural processes and vegetative characteristics of a site originating on the site or elsewhere (“activité d’aménagement”). Site alteration as defined “this By-law” Dynamic Beach Management By-law includes activities and ‘structures’. General Shoreline Maintenance shall not be Shoreline Site Alteration for the purposes of this By-law.~~
- ~~2.78. [In areas where the Dynamic Beach Hazard prevails ‘structures’ as defined in “this By-law”, comprises of ‘hard’ and ‘soft’ shoreline structures including but not limited to; flexible and ridged revetments and seawalls, groynes, artificial headlands, breakwaters, detached breakwaters, sheet pile walls and beach nourishment.~~
- ~~2.79. Additionally in areas where the Dynamic Beach Hazard prevails ‘structures’ as defined in “this By-law”, are prohibited and also include but are not limited to the following; bunkie, boathouses, decks, docks, garages, and auxiliary buildings.]~~
- ~~2.80-2.44. “Structure” means, any material, or combination of materials joined together, that are constructed, reconstructed, built or erected, or which is attached to something having location for the use of which requires location on, above or below the surface of land or water, including any change that would have the effect of altering the use or potential use of the building or structure, increasing the size of the building or structure or increasing the number of dwelling units in the building or structure.;~~
- ~~2.81. For the purpose of this By-law, a light standard, sign, or fence shall be deemed not to be structures. Tiny ZBL #22-075 (Nov 2023). [In areas where the Dynamic Beach Hazard prevails ‘structures’ as defined in “this By-law”, comprises of ‘hard’ and ‘soft’ shoreline structures including but not limited to; flexible and ridged revetments and seawalls, groynes, artificial headlands, breakwaters, detached breakwaters, sheet pile walls and beach nourishment]. In areas where the Dynamic Beach Hazard prevails ‘structures’ as defined in “this By-law”, are prohibited and also include but are not limited to the following; bunkie, boathouses, decks, docks, garages, and auxiliary buildings.]~~
- ~~2.82-2.45. “Soil” means material commonly known as earth, top soil, loam, subsoil, clay, sand, silt or gravel.~~
- ~~2.83-2.46. “Surface Water Feature” means water-related features on the earth’s surface, including headwaters, rivers, stream channels, inland lakes, seepage areas,~~

recharge/discharge areas, springs, *wetlands*, and associated riparian lands that can be defined by their *soil* moisture, *soil* type, vegetation or topographic characteristics. PPS (2020/2024)

- 2.84-2.47. **"Swale"** means a shallow depression in the ground sloping to a place of disposal of surface water for the purpose of providing a method of *drainage*.
- 2.85-2.48. **"Topsoil"** in Section 142 (1) of the Municipal Act, means those horizons in a *soil* profile, commonly known as the "O" and the "A" horizons, containing organic material and includes deposits of partially decomposed organic matter such as peat. 2001, c. 25, s. 142 (1). Municipal Act (consolidated April 1, 2024)
- 2.86-2.49. **"Threatened species"** means a species that is classified as "*Threatened Species*" on the Species at Risk in Ontario List, as updated and amended from time to time. PPS (~~Proposed April 12, 2024~~ same as 2020)
- 2.87-2.50. **"Township of Tiny"** or **"Township"** means the Corporation of the *Township of Tiny*.
- 2.88-2.51. **"Watercourse"** means an identifiable depression in the ground in which a flow of water ~~seasonally~~ intermittently or continuously ~~drains~~ occurs.
- 2.89-2.52. **"Water resource systems"** means a system consisting of *ground water features* and areas, *surface water features* (including shoreline areas), *natural heritage features and areas*, and *hydrologic functions*, which are necessary for the ecological and hydrological integrity of the watershed. PPS (~~Proposed April 12, 2024~~)
- 2.90-2.53. **"Wave effects"** means the movement of water up onto a shoreline or *structure* following the breaking of a wave, including wave uprush, wave set up and water overtopping or spray; the limit of *wave effects* is the point of furthest landward horizontal movement of water onto the shoreline. PPS (~~Proposed April 12, 2024~~)
- 2.91-2.54. **"Wetlands"** means lands that are seasonally or permanently covered by shallow water, as well as lands where the water table is close to or at the surface. In either case the presence of abundant water has caused the formation of hydric *soils* and has favoured the dominance of either hydrophytic plants or water tolerant plants. The four major types of *wetlands* are swamps, marshes, bogs and fens. Periodically soaked or wet lands being used for agricultural purposes which no longer exhibit wetland characteristics are not considered to be *wetlands* for the purposes of this definition. PPS (~~Proposed April 12, 2024~~ same as 2020)
- 2.92-2.55. **"Wildlife habitat"** means areas where plants, animals and other organisms live, and find adequate amounts of food, water, shelter and space needed to sustain their populations. Specific *wildlife habitats* of concern may include areas where species concentrate at a vulnerable point in their annual or life cycle; and areas which are important to migratory or non- migratory species. PPS (~~Proposed April 12, 2024~~ same as 2020)
- 2.93-2.56. **"Woodlands"** means treed areas that provide environmental and economic benefits to both the private landowner and the general public, such as *erosion* prevention, hydrological and nutrient cycling, provision of clean air and the long-term storage of carbon, provision of ~~wildlife habitat~~, outdoor recreational opportunities, and the sustainable harvest of a wide range of woodland products. *Woodlands* include treed areas, woodlots or forested areas and vary in their level of significance at the local, regional and provincial levels. *Woodlands* may be delineated according to the Forestry Act definition or the Province's Ecological Land Classification system definition for "forest". PPS (~~Proposed April 12, 2024~~ same as 2020)

~~3.~~

~~4.3.3.~~ **GENERAL PROVISIONS**

~~4.1.3.1.~~ **3.1** — Lands Subject to By-law

This By-law applies to all land within 45 metres of the 178 metre G.S.C Elevation adjacent to Georgian Bay including Dynamic Beach Hazard lands ~~along the Georgian Bay Shoreline,~~ in the *Township of Tiny*.

~~4.2. This includes but is not limited to *Dynamic Beach Hazards* that are located on the lands zoned Shoreline Residential (SR), Environmental Protection One (EP1), Environmental Protection Two (EP2), Greenlands (GL), Limited Service Residential (LSR), Marina Commercial (MC), Open Space (OS), Shoreline Commercial (SC), and Shoreline Residential (SR) as defined in the Township Official Plan and Zoning By-law. The lands subject to the *Dynamic Beach Management By-law* are identified in Appendix A to the By-law.~~

~~4.3.~~

~~4.4. 3.2.~~ **Site Specific Dynamic Beach Hazard Limits Delineate**

~~4.5. The '*Standard Dynamic Beach Hazard*' Limits maybe refined and delineated by a Site Specific Dynamic Beach Hazard Study. The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the provincial technical guidelines (i.e. the 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001)). The *Dynamic Beach Hazard* must be undertaken in alignment with provincial direction and technical guidance/standards as outlined in the definitions section and throughout this By-law.~~

~~4.6.~~

~~4.7. If proposing to reduce or increase the '*Dynamic Beach Hazard*' area from the '*Standard Dynamic Beach Hazard*' Limit setback, then a Coastal Engineering and/or Coastal Geomorphology Site Specific Study of the Dynamic Beach Processes at the site is required to be carried out by a qualified professional Coastal Engineer or qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment of Dynamic Beach processes.~~

~~4.8.~~

~~4.9. [The Site Specific Dynamic Beach Hazard Study consists of determining the *Dynamic Beach Hazard* Limit setback by carrying out the following;~~

~~4.10. The MNRF 100 year Water Level elevation indicated (i.e. 178 m GSC'28, or as updated from time to time) on the survey, + PLUS~~

~~4.11. The Wave Uprush and Overtopping Flood Component (Standard setback of 15m) or as determined by a Site Specific Dynamic Beach Study for the Wave Uprush and Overtopping allowance. + PLUS~~

~~4.12. The Dynamic Beach Allowance (Standard setback of 30m) or the allowance for the Dynamic Beach Allowance as determined by the Site Specific Dynamic Beach Study to determine the Site Specific Dynamic Beach Allowance~~

~~4.13. — = the total *Dynamic Beach Hazard* Limit setback.]~~

~~4.14.—~~

~~4.15.3.2.~~ **3.3** — Requirement for *Permit*

A *permit* shall be required for any ~~building, structure or shoreline construction and/or shoreline~~ site alteration within 45 metres of the 178 metre G.S.C elevation of Georgian Bay. (Shoreline Development Area).

3.3. 4 Permit Issuance

In considering the issuance of a permit, the Director shall have regard to the following:

- a) The considerations outlined in Section 4.2 of this By-law.
- b) Public access to the shoreline shall not be impacted.
- c) Dynamic movement of sand to and from neighbouring lots shall not be impact
- d) Opportunities shall be explored and implemented to revegetate, naturalize and stabilize lands between dwellings and the shoreline.
- e) Potential impacts to public health and safety shall be avoided or where appropriate, mitigated.

5.4. PROHIBITIONS

~~5.1.4.1. 4.1~~ No *person* shall carry out ~~the development of any buildings or structures or undertake any shoreline construction and/or shoreline~~ site alteration on any lands within 45 metres of the 178 metre C.S.C elevation of Georgian Bay (Shoreline Development Area) without having first obtained a ~~Dynamic Beach Shoreline By-law Permit~~. This includes any in-water works.

~~5.2.4.2. 4.2~~ No *person* shall carry out ~~the shoreline~~ construction of buildings or structures or undertake shoreline site alteration in a way that:

- a) Creates any new natural flooding, erosion and/or dynamic beach hazard or aggravates existing natural flooding, erosion and/or dynamic beach hazards.
- ~~b) Causes any adverse environmental impacts~~
- ~~e)b) Causes negative impacts to the natural features, and functions of the shoreline or dynamic beach and coastal processes.~~
- ~~d)c) Creates or aggravates public safety and/or access issues including impacts on abutting properties.~~
- ~~e) Does not address the items outlined in Section 8.2~~
- ~~f)d) Has the potential to negatively impact the shoreline or dynamic beach processes and/or change the ground cover conditions of the subject and/or adjacent properties by substantially change altering the natural movement of existing or future sand to and from a neighbouring lot(s).~~
- ~~g) —~~
- ~~h)e) 4.5~~ No *person* shall carry out site alteration or alter Alters the existing grade of a property in a way that negatively impacts drainage on another property, any creek system, or the channel of any small creek that flows through beach and dune system on the property.

~~5.3.~~

~~5.4.4.6~~ No *person* shall fail to comply with an order issued under Section 12 of this By-law.

~~5.5.4.3. 4.7~~ This By-law is not intended to and shall not circumvent any development approval process which is required under the Planning Act.

- ~~6. 4.8 Where a Permit has not been issued and any person is in contravention of this By-law, the Township or their designate may issue an Order requiring the person to remove and restore the land to a condition it was prior to commencement of such work, to the satisfaction of the Township within the time set out (i.e. 12 months) in the Order.~~
- ~~7. 4.9 Notwithstanding any other provision of this By-law, the Township may in its sole and absolute discretion require that, as a condition of the issuance of a Permit under this By-law, the owner or any other person deemed appropriate enter into an agreement with the Township respecting the work contemplated by the Permit containing such terms and conditions as the Township considers appropriate, including, without limiting the generality of the foregoing, the posting of financial security. The Director or designate is hereby delegated the authority to execute any such agreement authorized under this By-law.~~
- ~~8. 5. Permitted Exceptions for Consideration~~
- ~~9. 5.1 The Township may consider the exception to allow a *site alteration*, and a Dynamic Beach Management permit within 45 metres of the 178 G.S.C elevation of Georgian Bay, including within the *Dynamic Beach Hazard* for the restoration, revitalization or rehabilitation of the beach/dune areas. The appropriate beach/dune materials (e.g. beach/dune grasses, shrubs, trees, vegetation etc.), and the appropriate beach/dune materials (e.g. appropriate grain size materials such as sand, gravel, cobble etc.) may be considered for the restoration of the Natural Vegetation and coastal features within the Dynamic beach/dune system.~~
- ~~10. If proposing to carry out restoration, revitalization or rehabilitation of the beach/dune areas through a Dynamic Beach Management permit, then a Dynamic Beach Study would need to be carried out by a qualified professional Coastal Engineer or a qualified Coastal Geomorphologist with specialized and demonstrated experience in the assessment and understanding of the Dynamic Beach processes.~~
- ~~11. The Site Specific Dynamic Beach Hazard Study must be carried out in accordance with the 'MNR in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001) as updated from time to time, the Lake Huron Center for Coastal Conservation (LHCCG) 'Dune Planting Guide' (2010) or similar appropriate documents should be consulted for guidance on the planting and management methods of beach/dune grasses, shrubs and trees.~~
- ~~12. 5.2 Controlled access points through the dunes to the beach would be encouraged through the use of natural walkways (e.g. roped natural beach area, rolling boardwalks used for accessibility) and supported by restoration, revegetation of natural beach/dune area (e.g. beach/dune grasses, shrubs, trees etc.). The path may be simply left as bare sand, or~~

~~covered with mulch, bark chips or similar materials and placed particularly towards the landward end of the path. When the site allows, straight paths should be avoided and supported by the planting of appropriate vegetation to encourage trapping of the natural beach material.~~

~~13. The 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches' (2001) as updated from time to time, the Lake Huron Center for Coastal Conservation (LHCCC) 'Dune Planting Guide' (2010) or similar appropriate documents should be consulted for guidance on the planting and management methods of beach/dune grasses, shrubs and trees.~~

~~14.5. 6. **SPECIFIC EXEMPTIONS (STATUTORY LIMITATIONS)**~~

~~14.1.5.1. 6.1~~ Notwithstanding Section 3.3 of this By-law, a person may undertake *Site Alterations*~~shoreline construction and/or shoreline site alteration or in-water works~~ without applying for obtaining a *Dynamic Beach Management Permit* provided that the *Site Alterations*~~shoreline construction and/or shoreline site alteration~~ is undertaken:

- a) As part of an activity or matter conducted by the Township, a local board of the ~~township~~**Township**, as part of the construction, extension, alteration, maintenance or operation of works undertaken by the Township of Tiny.
- b) As part of an activity or matter conducted by the Township on lands that are under the Township's control (e.g. Road Allowance, Parks, Washrooms, playground equipment, park amenities etc.).
- c) Public ~~Safety~~**safety** and ~~Emergency~~**emergency** repair work performed in consultation with the ~~Town~~**Township**, subject to any requirement from the Director to obtain a permit for the continuation of such work.
- d) By a transmitter or distributor for the purpose of constructing and maintaining a transmission system or a distribution system, as defined in the Electricity Act, as amended.
- e) As part of the construction, extension, alteration, maintenance or operation of works under Section 26 of the Public Transportation and Highway Improvement Act, R.S.O. 1990, c. P. 50, as amended.
- ~~f) 6.2 For Existing Development within 45 metres of the 178 G.S.C elevation of Georgian Bay:~~
- ~~g) Only Interior alterations (e.g. renovations, repairs) to existing habitable and non-habitable buildings and structures including unattached garages and/or accessory buildings is permitted.~~
- ~~h) Only exterior facade treatments, such as trim, ornamental features, fixtures, painting, siding, brick or other exterior finishes are permitted.~~
- ~~i) 6.3 The exemption from the permit requirements under this by-law do not provide an exemption from other applicable regulations and conditions under this by-law.~~
- ~~j) 6.4 All site alterations shall be performed in compliance with this By-law to prevent any detrimental impact on the use and enjoyment of neighbouring properties and other properties in the vicinity of the site and the environment.~~
- ~~k)~~

- ~~f) 7. To implement a permit issued by the Township of Tiny for a class 2-5 sewage system~~
- ~~g) To conduct General Shoreline Maintenance.~~
- ~~h) Temporary event tents.~~

~~15.6.~~ **APPLICATION REQUIREMENTS FOR PERMIT**

- ~~15.1. 7.1 Permits shall be issued by the Director unless it is not in compliance with the By-law.~~
- ~~15.2. 7.2 The application may be approved and Permit issued provided each of the following requirements are satisfied:~~
- ~~15.3. The lands subject to the application for a Permit are not within an area where the development or site alteration is prohibited.~~
- ~~15.4. The proposal will not result in:~~
- ~~15.5. a public safety issue, including impacts on abutting properties.~~
- ~~15.6. Negative impacts or interference to the coastal processes; (e.g. the littoral/sediment transport processes such as; on/off shore, alongshore, up drift and downdrift, this includes the whole beach/dune system within the Dynamic Beach Hazard) of the Georgian Bay Shorelines. This also includes the abutting, updrift and downdrift properties along the Georgian Bay shoreline.~~
- ~~15.7. Any new natural hazards being created and existing natural hazards are not aggravated.~~
- ~~15.8. No adverse environmental impacts will result.~~
- ~~15.9. Any Erosion and Slope Stability issues.~~
- ~~15.10. Pollution of water.~~
- ~~15.11. New Flooding, drainage or ponding on the site or abutting lands.~~
- ~~15.12. Detrimental impacts on vegetation, including but not limited to beach/dune grasses, shrubs, trees and vegetation located on the lands.~~
- ~~15.13. Detrimental effect on matters of inherent biological sensitivity such as aquifer recharge, water quality, unusual plants or wildlife and over wintering habitats~~
- ~~15.14. Contaminating the natural environment.~~
- ~~15.15.~~
- ~~15.16. The applicant has fulfilled all requirements of this By-law and all other applicable laws.~~
- ~~15.17.~~
- ~~15.18. 7.3 An applicant for a Dynamic Beach Management Permit shall submit the following to the Township:~~
- ~~15.19. A completed application in the form prescribed by the Township.~~
- ~~15.20. 6.1. The applicable permit fee, calculated in accordance with the Township's Fee Schedule By-law, as amended.~~
- ~~15.21. 6.2. A completed Dynamic Beach Management Shoreline By-law Permit Application Form.~~
- ~~15.22. Supporting Studies if required.~~
- ~~15.23. 6.3. An application sketch including the following:~~
 - a) lot lines;

- b) existing buildings ~~and~~ structures; shoreline retaining walls, large boulders, tent structures, awnings, gazebos, decks, fire pits etc.;
- c) proposed shoreline construction and/or shoreline site alteration, including all proposed buildings ~~or~~ structures, shoreline retaining walls, large boulders, tent structures, awnings, gazebos, decks, fire pits etc;
- d) location of buildings and structures on abutting a lots; and,
- e) the location of permanent and intermittent watercourses and ~~, ditches, or~~ on and adjacent to the subject property.

~~15.24. plans for any works requiring a building permit or engineering approval.~~

~~15.25.~~

~~15.26.~~

~~15.27. Confirmation of comments from abutting land owners or where comments are not available, confirmation of a reasonable attempt to obtain comments.~~

~~15.28.~~

~~15.29.~~

~~15.30.~~

~~15.31.6.4.~~ 7.4 — Additional Permit Application Requirements

Depending on the naturescope of the application and proposal, the features present on the property, following additional application obligations related to slope stability requirements may be required ~~at the discretion of the Director:~~

- a) ~~Where applicable the location of any Erosion and Slope Instability issues and areas, on the subject property~~
- b) ~~—~~
- c) ~~Additional ^[UR1] engineering studies are to be carried out by a qualified professional Geotechnical engineer with specialized and demonstrated experience in slope stability issues in accordance with the provincial technical guidelines (i.e. 'MNRF in the Great Lakes-St. Lawrence River System Technical Guides for Flooding, Erosion and Dynamic Beaches', and 'Stable Slopes - Geotechnical Principles' (2001)).~~
- d) ~~The ^[UR2] Township may require a security deposit as noted in the Township Fees By-law to secure the performance of the work for which the permit is being applied. The Township may draw upon the security posted to recover the cost of the Township performing any required work which the owner has failed to perform or to cover any other costs, such as engineering, as part of the review of the application. The Township may require an administration fee for the administration or a security deposit.~~
- e) Township has the right to seek peer review at the applicant's expense.
- f) ~~—~~
- a) 8-A survey completed by a Ontario Land Surveyor showing the 178 metre G.S.C elevation and setbacks to proposed shoreline construction and/or shoreline site alteration
- b) Supporting Studies and reports by qualified professionals, depending on the scope and nature of the application, including but not limited to:
 - (1) Wave uprush/Coastal Engineering Study
 - (2) Coastal Geomorphology Study
 - (3) Flooding, Erosion, Slope Stability Reports

(4) Geotechnical/Soils Stability Report

(1)(5) Terms of Reference for the above studies must be to the satisfaction of the Director.

(6) Deposit may be required for peer review of supporting studies and reports.

~~16.7.~~ **PERMIT CONDITIONS**

~~16.1.7.1.~~ The Township may include any conditions deemed to be appropriate to a *permit* issued in accordance with this By-law.

~~16.2.~~

~~16.3.~~

7.2.9. Conditions may include:

7.2.1. The requirement for the *applicant, owner or any other person* deemed appropriate to enter into a Development Agreement that may include the requirement for a security deposit to secure the performance of the work for which the *permit* is being applied.

7.2.2. Any other conditions determined to be appropriate by the *Director*.

~~17.8.~~ **PERMIT REVOCATION, EXPIRY, RENEWAL, TRANSFER OF PERMITS**

~~8.1. 9.1~~ The Township may revoke a *Permit* for the following reasons:

- a) It was issued on mistaken, false or incorrect information.
- b) It was issued in error.
- c) The ~~owner and/or~~ *applicant* requests in writing, that it be revoked.
- d) The terms of an agreement under this By-law have not been complied with.
- e) Work authorized under the Permit has not been commenced prior to its expiry date.
- f) The ~~owner~~ *applicant* or any other *person* has failed to comply with the provisions of this By-law or any other Township By-law.

~~8.2. If the owner or any other person has failed to maintain the minimum deposit balance or vendor payments.~~

~~8.3.8.2.~~ ~~9.2~~ When work has taken place with no Permit, or after the date upon which a Permit has expired, the fees for an application for each Permit required shall double the amount specified in the Township Fee Schedule By-law, as amended.

~~8.4.8.3.~~ ~~9.3~~ Where a Permit has not been issued and any *person* is in contravention of this By-law, an *Officer* of the Township may issue an Order for removal requiring the *person* to restore the land to the condition it was prior to the commencement of such work to the satisfaction of the Township within the time set out in the Order.

~~8.5.8.4.~~ The Township or the ~~Townships~~ *Township's* approved contractor has the right to complete the works based on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.

~~8.6.8.5.~~ ~~9.4~~ *Permits* issued under this By-law shall:

- a) Be valid for a period of two (2) years from the date of issuance, unless otherwise authorized

by the Township in writing.

- b) Expire one (1) year after the date of issuance if work is not commenced under the *Permit*, which determination shall be at the Township's sole and absolute discretion and be final.

~~8.7.8.6.~~ 9.5—A *Permit* may be renewed prior to the expiry date set out in the *Permit* upon receipt of a *complete application* to the Township in accordance with this By-law and payment of the prescribed fees in accordance with the Township's Fee Schedule By-law, as amended.

~~8.8.~~

~~8.9.8.7.~~ 9.6—A *Permit* which has expired may be renewed at the sole discretion of the ~~Township within three (3) months from the date of expiry~~ Director upon receipt of a *complete application* to the Township in accordance with this By-law and payment of the prescribed fees of 50% of the original *Permit* fee, in accordance with the Township's Fee Schedule By-law, as amended.

~~8.10.—~~

~~8.11.—~~ A *Permit* may be renewed at any time prior to its expiry for an additional three (3) months, 90 day period by an Applicant making a written application to the Township accompanied by a payment of the prescribed fees of 50% of the original *Permit* fee, provided that the *Permit* requirements imposed by this Bylaw, respecting that any previous agreements made, are not amended or changed.

~~8.12.—~~

~~8.13.8.8.~~ 9.7 If title of the land for which a *Permit* ~~has been issued~~ relates is transferred while the *Permit* remains in effect, the *Permit* shall terminate and become null and void unless the owner of the lands for which the permit relates, no later than thirty (60/90) days from the date of the transfer of title of the land; provides the Township with an undertaking satisfactory to the Township to comply with all the conditions under which the existing permit was issued.

~~8.14.—~~ Provides the Township with an undertaking satisfactory to the Township to comply with all the conditions under which the existing permit was issued.

~~8.15.—~~ Applies for and obtains a new Permit in accordance with the provisions of this By-law.

~~8.16.8.9.~~ 9.8 If a *Permit* is expired, cancelled or revoked after work has commenced and prior to the completion of the site alteration; the applicant and/or owner shall forthwith restore the land to its original condition or stabilize the site to the satisfaction of the Township in a manner that will prevent adverse impacts on the environment, said property and on abutting properties and the environment.

The Township or the ~~Townships~~ Township's contractor has the right to complete the works based on the original plan at the owner's expense, for the actual costs plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 90 days.

~~18.9.~~
~~10.~~

AGREEMENT

9.1. ~~10.1~~—Where deemed appropriate by the Township, the applicant and/or owner may be required to enter into ana development agreement with the Township which may be registered on title to the land on which the work is to be performed or registered to adjacent lands owned by the owner.

~~19.10.~~ ~~11~~ APPEAL

~~191.~~

~~19.2.10.1.~~ ~~11.1~~—Any person applying and not issued a *permit* by the Director shall be permitted to appeal by making a request for a *permit* from *Council*.—

~~19.3.~~

~~10.2.~~ ~~12~~The Township Fee By-law may prescribe fees or deposits for request to *Council* associated with this By-law.

~~20.11.~~ ORDERS

~~20.1.~~

~~20.2.11.1.~~ ~~12.1~~—If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an ~~order, known as a Discontinue Activity~~ Order, requiring the *person* who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity: and remedy the contravention

~~20.3.~~

~~20.4.~~ ~~12.2~~—If an Officer is satisfied that a contravention of this By-law has occurred, the Officer may make an order, known as a Work Order, requiring the person who contravened this By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to do work to correct the contravention.

~~20.5.~~

~~20.6.~~ ~~12.3~~—Where a Permit has not been issued and any person is in contravention of this By-law, the Township or their designate may issue an Order requiring the person to remove and restore the land to a condition it was prior to commencement of such work, to the satisfaction of the Township within the time set out (i.e. in the agreed upon time set out by the Township) in the Order.

~~20.7.~~

~~20.8.~~ ~~12.4~~ The Work Order shall set out:

~~20.9.~~ Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.

~~20.10.~~—The work to be done and the date by which the work must be done.

~~20.11.~~

~~20.12.~~ ~~12.5~~ A Work Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.

~~20.13.~~

~~20.14.~~ ~~12.6~~ A Work Order under Section 12 may require work to be done even though the facts

~~which constitute the contravention of this By-law were present before this By-law making them a contravention came into force.~~

~~20.15.-~~

~~20.16. 12.7 No person shall fail to comply with a Work Order issued pursuant to Section 12.~~

~~20.17.-----~~

~~20.18. 12.8 The Discontinue Activity Order shall set out:~~

~~20.19.----- Reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred.~~

~~20.20.----- The date by which there must be compliance with the Discontinue Activity Order.~~

~~20.21.-~~

~~20.22. 12.9 A Discontinue Activity Order may be served personally upon the person to whom it is directed to or sent by regular mail to the address shown on the last revised assessment roll or to the last known address.~~

~~20.23.-~~

~~20.24. 12.10 No person shall fail to comply with a Discontinue Activity Order issued pursuant to Section 12.~~

~~20.25.-~~

~~20.26.11.2. 12.11~~ In the event the Officer is unable to serve an Order under the provisions of this By-law, the Order shall be posted in a conspicuous place on the property, and the placing of the Order shall be deemed to be sufficient service of the Order on the property owner.

~~20.27.-----~~

~~20.28.11.3. -----~~ TheWhere an Order has not been complied with, the Township or the Township's contractor has the right to complete the works based on the original plan for the actual costs at the owner's expense plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 90 days.

~~21. 13. Remedial Action~~

~~22.-~~

~~23.13.1 Where an Order has been issued to direct or require an owner or person to do a matter or thing, in default of it being done by the person directed or required to do it, the Township may cause the matter or thing to be done at the person's expense.~~

~~24.-~~

~~25.13.2 Where any of the matters or things are remediated in accordance with Section 13.1, the matters or things may be immediately disposed of.~~

~~26.-~~

~~27.13.3 The Township shall recover the expense in doing a matter or thing referred to in Section 13.1 by action, or by adding the costs plus a 10% administration fee to the tax roll and collecting them in the same manner as property taxes.~~

~~28.-~~

~~29.-~~

~~30.12. ENTRY AND INSPECTION~~

~~30.1.-~~

~~30.2.12.1. 14.1~~ An Officer may enter onto land at any reasonable time ~~as set out in the Township of Tiny Power of Entry By-law 07-082, as amended.~~

31. — **Obstruction**

32. —

~~33. 15.1 No person shall hinder or obstruct, or attempt to hinder or obstruct, any Officer exercising a power or performing a duty under this By-law.~~

34. —

~~35. 15.2 Any person, who has been alleged to have contravened any of the provisions of this By-law, shall identify themselves to the Officer upon request, failure to do so shall be deemed to have obstructed or hindered the Officer in the execution of his/her duties.~~

36. —

37. 13. **PENALTY**

~~37.1. —~~

~~37.2. 16.1 In addition to any other remedy available to the Township, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence under the provisions of the Municipal Act, 2001, S.O. 2001, c. 25, as amended.~~

~~37.3. —~~

~~37.4. 13.1. 16.2 Every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law, is guilty of an offence and liable on conviction to a penalty where the minimum fine shall not be less than \$250 and the maximum fine shall not exceed \$100,000 exclusive of costs under the provisions of the Municipal Act, 2001, S.O. 2001, C. 25, as amended.~~

~~38. 16.3 For the purpose of continuous offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended.*~~

~~39. —~~

~~40. (a) Notwithstanding Section 16.3 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, the total of all daily fines for the offence is not limited to \$100,000.~~

41. —

~~42. 16.4 For the purpose of multiple offences, every person who contravenes a provision of this By-law and every Director or Officer of a Corporation who knowingly concurs in a contravention by the Corporation of a provision of this By-law is guilty of an offence and liable on conviction to a fine not exceeding \$10,000, exclusive of costs under the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended.*~~

43. —

~~44. (a) Notwithstanding Section 16.4 and the provisions of the *Municipal Act, 2001, S.O. 2001, c. 25, as amended*, the total of all daily fines for the offence is not limited to \$100,000.~~

45. —

~~46. 16.5 Every person who contravenes any section of this By-law under a Part 1 Certificate of offence, upon conviction shall be liable to a fine as provided for in the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.~~

47. —

~~48. 16.6 Upon conviction any penalty imposed under this By-law may be collected under the~~

~~authority of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.~~

~~49.~~

~~50. The Township or the Townships approved contractor has the right to complete the works based on the original plan at the owner's expense, for the actual costs plus a 10% administration fee and any other applicable fines. Failure to pay would be added to the tax roll and collecting them in the same manner as property taxes if unpaid within 60 days.~~

~~51.~~

~~52.14.~~ **CONFLICT AND APPLICATION OF OTHER LAWS**

~~52.1.~~

~~52.2.14.1. 17.1~~—If there is a conflict between this By-law and another Federal, Provincial, County of Simcoe or *Township of Tiny* legislation, regulation or By-law (e.g. By-law enacted by the *Council* of the County of Simcoe or *Township of Tiny*) the more restrictive legislation prevails.

~~53. 17.2~~—If there is a conflict between this By-law and any other Township legislation, the more restrictive legislation prevails.

~~54.~~

~~55.15.~~ **SEVERABILITY**

~~55.1.~~

~~55.2.15.1. 18.1~~ Where a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, the remainder of this By-law shall continue to be in force ~~unless the court makes an order to the contrary.~~

~~56.16.~~ **EFFECTIVE DATE**

~~56.1.~~

~~56.2.16.1. 19.1~~ This By-law shall come into full force and take effect on the date of passing thereof.

READ A FIRST AND SECOND TIME on this XXth day of ~~XXX 202X~~ May 2025.

READ A THIRD TIME and finally passed this XXth day of ~~XXX 202X~~ May 2025.

David Evans, Mayor

Sue Walton, Clerk

DRAFT